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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5282 OF 2005

Bharatiya Kamgar Karmachari Mahasangh ... Petitioner

V/s.

M/s.Milton Polyplas (I) Pvt. Ltd & Ors. ... Respondents

Mr.R.S. Pai i/b M/s.Sanjay Udesh & Co. for Petitioner
Ms.Shubha Kher for Respondents

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **OCTOBER 13, 2005**

P.C.:

. The Petition challenges the interim order of the Industrial Court dated 16.6.2005. refusing interim relief. The Industrial Court has held that the machines which were removed from the plant were leased machines and which were not being used by the employer. The Industrial Court has observed that the Respondents undertook to bring back the machines shifted from the premises in the event the Court finds that the closure was illegal. Ms.Kher, appearing on behalf of the Respondents, on instructions, submits that the respondents will abide by the undertaking given. An affidavit of an authorised person be filed in this Court within two weeks from today stating that in the event the Petitioner succeeds in the complaint, the machines

which have already been shifted will be brought back to the factory premises.

2. It appears that the Petitioner has contended that there is functional integrality between three concerns viz., M/s.Milton Polyplas (I) Pvt. Ltd., M/s.Rupani Spinning Mills and M/s.Milton Consultancy. According to them, immediately after a charter of demands was served on these firms, the Respondent firm has closed its establishment and therefore, the closure is illegal. All these questions would be considered by the Industrial Court when it decides the complaint finally.

3. The Petitioner will continue to maintain the machinery which is still in the factory premises and will not dispose off the same or the plant during the pendency of the complaint. The complaint shall be disposed off by the Industrial Court by 31.10.2006.

4. Petition is disposed off in the above terms.